

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOCALS 302 AND 612 OF THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS
CONSTRUCTION INDUSTRY
HEALTH AND SECURITY FUND,
et al.,

CASE NO. C19-0616JLR
ORDER

Plaintiffs,

V.

AEI WILLIAMS GROUP, CO.,

Defendant.

Pursuant to the court’s February 5, 2020, order to show cause, a contempt hearing is scheduled in this matter for March 17, 2020, at 10:00 AM. (See OSC (Dkt. # 17) at 6-7.) On March 6, 2020, the United States District Court for the Western District of Washington issued General Order 01-20 entitled “In Re: Court Operations Under the Exigent Circumstances Created by COVID-19 and Related Coronavirus.” See General

1 Order W.D. Wash. G.O. No. 01-20. Although General Order 01-20 states that “[a]ll civil
2 and criminal matters scheduled for an in-Court appearance before any district or
3 magistrate judge in the Seattle or Tacoma Courthouses, including any associated
4 deadlines, are CONTINUED pending further Order of the Court,” *see id.* at 2 ¶ 1, the
5 General Order also allows for “[c]ase-by-case exceptions to the continuances provided
6 herein . . . for non-jury matters,” *see id.* at 3 ¶ 4.

7 Pursuant to General Order 01-20, the court continues the March 17, 2020,
8 contempt hearing until April 6, 2020, at 1:30 PM. The court ORDERS Plaintiffs to
9 personally serve both AEI Williams Group, Co. and Elmore W. Williams III with a copy
10 of this order no later than March 27, 2020, and to file proof of such service on the court’s
11 docket.

12 The court notes that AEI Williams Group, Co. and Mr. Williams did not file
13 briefing in response to the court’s order to show cause. (*See generally* Dkt.) The court
14 warns AEI Williams Group, Co. and Mr. Williams that failure to appear at the April 6,
15 2020, hearing and show cause regarding their failure to comply with the court’s
16 November 25, 2019, order will likely result in the court holding them in civil contempt.
17 *See Donovan v. Mazzola*, 716 F.2d 1226, 1240 (9th Cir. 1983) (holding that where party
18 moving for civil contempt sanctions meets its burden to prove that the non-moving party
19 has violated a court order, the non-moving party bears the burden to “show ‘categorically
20 and in detail’ why [they are] unable to comply with the court’s previous order”) (quoting
21 *United States v. Rylander*, 656 F.2d 1313, 1318 (9th Cir. 1981), *rev’d on other grounds*,
22 460 U.S. 752 (1983)). A finding of civil contempt can result in imposition of coercive

1 sanctions against AEI Williams Group, Co. and Mr. Williams. *See, e.g., Parsons v.*
2 *Ryan*, 949 F.3d 443, 456 (9th Cir. 2020) (affirming order imposing \$1,445,000.00 civil
3 contempt sanction for defendants' violation of a court's order to show cause).

4 Dated this 9th day of March, 2020.

5 
6

7 JAMES L. ROBART
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22